

## NH Prescription Drug Affordability Board

### In-person / Remote Hybrid Meeting

January 3, 2023 1:00 PM

**NOTE:** This meeting was recorded. All related documents (and a recording of the entire meeting) are available at: [New Hampshire Prescription Drug Affordability Board | New Hampshire Department of Health and Human Services \(nh.gov\)](#)

**CALL TO ORDER:** Representative Gary Merchant, Chair, opened; introductions were made.

**ATTENDING: In person:** Representative Gary Merchant, Robert Woodward, Tom Sherman, Representative James Murphy, Senator Cindy Rosenwald, Todd Fahey, William Marsh.

A quorum was established.

**ABSENT:** Senator Sharon Carson.

**AGENDA REVIEW:** Representative Merchant reviewed the agenda with the Board. Tom Sherman asked that we add a discussion around the advisory council to the agenda.

**REVIEW AND APPROVE MINUTES OF NOVEMBER 30 MEETING:** Tom Sherman moved to accept the minutes, Senator Rosenwald seconded. Motion passed via roll call. Tom Sherman noted that prior meeting minutes, that are currently posted on the Board website, contain the draft watermark, which should be removed, as they have all been approved.

**DISCUSSION – MOU WITH DHHS:** Attorney Rob Berry discussed the progress of the Memorandum of Understanding (MOU) between the Department of Health and Human Services (DHHS) and the Board. He noted that it is comprised of mostly standard language, and had worked on it with the assistance of the attorney general's office, and from DHHS: the Chief Financial Officer (CFO), the Director of the Contracts Unit and the Chief Privacy Officer. There was a discussion, led by Representative Jess Edwards, about the budget process in regards to funding the Board, with everyone agreeing that it should be clarified in the MOU. Attorney Berry stated he will meet with the DHHS CFO, Nathan White to get clear wording, and the Board agreed he should also be invited to speak during one of the future Board meetings. Tom Sherman and Todd Fahey brought up the topic of liability if there were to be a data breach. Attorney Berry stated he will get clarification from the attorney general's office on how the Board is protected.

**BUDGET DISCUSSION:** Board Chair, Representative Gary Merchant, discussed his belief that the revenue will come in before the expenses; Attorney Berry to get clarification from DHHS Human Resources (HR). The biggest expense is the executive director. Representative Merchant presented several documents to support this discussion. Representative Merchant spoke about the timeline for hiring, which is estimated to be 6 months, and reaching out to anyone in Administrative Services to see if there is an alternative to getting this filled any sooner, such as utilizing an already existing vacant position. The Board then discussed the Administrative Assistant position and at which level it should be. Nancy Plourde agreed to follow up with the Board to provide more detail as to the job description for the Administrative Assistant II recommendation, over an Administrative Assistant I. The Board discussed how it may be necessary to bring in consultants to handle data management moving forward and Tom Sherman agreed to reach out to Amy Costello, the Director of Health Analytics and Informatics at UNH Institute for Health Policy and Practice, for guidance on that topic. Representative Merchant continued to review the chart, including both the expenses of the Board and the revenue. On a related note, he discussed the importance of the information that is reported going through the proper channels and processes of validation. Tom Sherman

mentioned adding a placeholder for the Board, Officers and Advisory Council insurance. Representative Merchant inquired how the services of the attorney from the Attorney General's Office is provided to us; whether they are paid, if there is an MOU, etc. Attorney Berry stated he believes they are provided to us at no cost to us, rather as part of the Department of Justice's budget. Representative Merchant reviewed the list of covered entities. Tom Sherman brought up the point that there are other covered entities that aren't represented in the list, that they were not able to obtain data on, that will eventually be considered in the revenue. Jason Aziz stated CHIS should be able to have this data and he will work with Representative Merchant to explore. The Board discussed the idea that those who will be paying fees will be expecting some sort of data/results from the Board, the timing of that, and how it will be presented. Attorney Berry stated he will have a basic workup for JLCAR in February, identifying the general benefit of collecting fees. The Board reviewed the draft of the invoice. Heidi Kroll pointed out to the Board that we will need to add the area code to the invoice document. There was a short discussion about the similarities in reporting requirements to the Board and the Insurance Department, and ideas on how to make it more clear. Following a short discussion, Tom Sherman made a motion to send out invoicing for a 6-month period, second by Todd Fahey. Motion approved via roll call.

**DISCUSSION – JLCAR COST BENEFIT:** Representative Merchant discussed the differences between taxes and fees. Taxes go through the legislative process and fees carry the expectation that something will be given in return. Tom Sherman stated how important it is to present what the clear benefit to the consumer is.

**SCHEDULE MEETINGS FOR COMING MONTHS:** Next meetings are scheduled for February 6<sup>th</sup>, April 3<sup>rd</sup>, May 1<sup>st</sup> and June 5<sup>th</sup>; all 10:00-12:00.

**PUBLIC COMMENTS:** Heidi Kroll spoke about the annual report, and her view about making it clear that the data that came from the CHIS database focused on the pharmacy benefit side and not the medical benefit side, even though the data is available. She believes the snapshot is only half the picture, and provided an example of a drug whose price increased dramatically in regards to the medical benefit side.

**ADJOURNMENT:** Representative Merchant made an undebatable motion to adjourn.

Todd Fahey, Clerk, respectfully submitted.

Nancy T. Plourde, Recording Secretary